

BOARD OF APPEALS CASE NO. 5217

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BEFORE THE

APPLICANTS: James & Rosalie Shiflett

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a sunroom
addition within the required rear yard setback;
1514 Fountain Glen Court, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/23/02 & 1/30/02

HEARING DATE: March 11, 2002

Record: 1/25/02 & 2/1/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, James and Rosalie Shiflett, are seeking a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to construct a sunroom within the 35 foot rear yard setback (31 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The subject property is located at 1514 Fountain Glen Drive, Bel Air, Maryland 21015 and is more particularly identified on Tax Map 49, Grid 2F, Parcel 277, Lot 218. The parcel consists of 0.173± acres, is zoned R2/COS and is entirely within the Third Election District.

Mr. James Shiflett appeared and testified that his house, when originally built, was intended to have a rear walkout. A double atrium door was installed, however, the builder located the doors in a manner that prevents them from opening to the outside. There is no other rear access from the house. In order to have use of the rear yard for a patio or grill the applicants need to go out the front door and walk around the house. In order to alleviate this situation, the Applicant proposes reconstructing this portion of the home to allow access to the rear into a sunroom addition. The addition will measure 14 feet by 16 feet and will match the existing house as to siding, roof materials. The existing atrium door will be removed and replaced to provide the necessary access. This addition will allow the Applicants additional living space and a rear exit for backyard ingress and egress. The sunroom will be 80 feet away from the rear neighbor. The property backs up to a stub road and another lot. The Applicant stated that his neighbors supported his request and he did not feel as though any adverse impact would result from a grant of the requested variance. The Applicant stated that there are other similar structures in his neighborhood and indicated he and his family would suffer a hardship if they were unable to have full use of the rear of their home.

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The Department of Planning and Zoning, in recommending approval of the subject request, found the property to be uniquely configured and located. Moreover, the grant of the variance, according to the Department, will not adversely impact the intent of the Code or the adjacent properties.

No protestants appeared in opposition to the Applicants' request.

CONCLUSION:

The Applicants, James and Rosalie Shiflett, are seeking a variance pursuant to Section 267-36B, Table V of the Harford County Code, to construct a sunroom within the 35 foot rear yard setback (31 feet proposed), in an R2/COS Urban Residential with Conventional Open Space District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner finds that the subject property is uniquely configured backing as it does to a stub road with increased distance between the subject parcel and the home located to the rear as a result. After construction of the sunroom, the structure will still be 80 feet away from the home to the rear of the subject property. The Hearing Examiner finds that an approval of the subject request will not result in adverse impacts and will not impair the purposes of the Code.

The Hearing Examiner recommends that the variance be approved subject to the Applicants obtaining any and all necessary permits and inspections.

Date: MARCH 21, 2002

William F. Casey
Zoning Hearing Examiner